

MINUTES OF AN ADJOURNED REGULAR MEETING OF THE CITY COUNCIL
AND A REGULAR MEETING OF THE REDEVELOPMENT AGENCY
OF THE CITY OF CHULA VISTA

August 6, 2002

4:00 p.m.

An Adjourned Regular Meeting of the City Council and a Regular Meeting of the Redevelopment Agency of the City of Chula Vista were called to order at 5:20 p.m. in the Council Chambers, located in the Public Services Building, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

PRESENT: Agency/Councilmembers: Davis, Padilla, Rindone, Salas and
Chair/Mayor Horton

ABSENT: Agency/Councilmembers: None

ALSO PRESENT: Executive Director/City Manager Rowlands, Agency/City
Attorney Kaheny, and City Clerk Bigelow

CONSENT CALENDAR

1. APPROVAL OF MINUTES: July 9, 2002; July 23, 2002

Staff recommendation: Agency approve the minutes.

ACTION: Chair/Mayor Horton moved to approve staff's recommendation and offered the Consent Calendar, heading read, text waived. The motion carried 5-0.

ORAL COMMUNICATIONS

There were none.

PUBLIC HEARINGS

2. CONSIDERATION OF A SPECIAL USE PERMIT (SUPS-01-05) TO ALLOW THE DEVELOPMENT OF A USED-CAR SALES LOT AND A ZONE VARIANCE FOR 1) THE CONSTRUCTION OF A 420-SQUARE FOOT BUILDING TO BE LOCATED ON THE REAR PROPERTY LINE, WHERE A 10-FOOT SET-BACK IS REQUIRED, AND 2) A REDUCTION IN THE LANDSCAPE SET-BACK TO 10 FEET ALONG THE STREET FRONTAGE ON MAIN AND SILVAS STREETS, WHERE THE REQUIREMENT IS FOR 15 FEET

The applicant proposes to develop the site at the northwest corner of Main Street and Silvas Street. The proposed project includes a used-car sales lot and the construction of a small office and customer service building, as well as the associated parking lot, access and circulation, and landscaped areas. The proposed project site is adjacent to a variety of commercial and industrial uses along Main Street and Silvas Street. (Community Development Director)

PUBLIC HEARINGS (Continued)

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and at the time specified in the notice.

Chair/Mayor Horton opened the public hearing. With no members of the public wishing to speak, she then closed the hearing.

ACTION: Agency/Councilmember Davis offered Agency Resolution Nos. 1791 and 1792, headings read, texts waived:

AGENCY RESOLUTION NO. 1791, RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF CHULA VISTA GRANTING A SPECIAL USE PERMIT (SUPS-02-24) FOR THE ESTABLISHMENT OF A USED-CAR SALES LOT AT 2620 MAIN STREET AND GRANTING A ZONE VARIANCE FOR 1) THE CONSTRUCTION OF A 420-SQUARE FOOT BUILDING TO BE LOCATED ON THE REAR PROPERTY LINE, WHERE A 10-FOOT SET-BACK IS REQUIRED, AND 2) A LANDSCAPE SET-BACK OF 10 FEET IN WIDTH ALONG THE STREET FRONTAGE ON MAIN AND SILVAS STREETS, WHERE THE REQUIREMENT IS FOR 15 FEET

AGENCY RESOLUTION NO. 1792, RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF CHULA VISTA APPROVING AN OWNER PARTICIPATION AGREEMENT WITH ERNIE L. AND PATRICIA A. DURAN FOR THE CONSTRUCTION OF A 420-SQUARE FOOT BUILDING AND ASSOCIATED LANDSCAPE AND PARKING IMPROVEMENTS AT 2620 MAIN STREET WITHIN THE SOUTHWEST REDEVELOPMENT PROJECT AREA

The motion carried 5-0.

3. CONSIDERATION OF THE FOURTH AMENDMENT TO THE SOUTHWEST REDEVELOPMENT PROJECT

The Southwest Redevelopment Plan was adopted on November 27, 1990 in order to improve deteriorated properties in the areas along Main Street, south Broadway, and south Third Avenue. Since its adoption, the Redevelopment Plan has permitted the use of eminent domain authority to acquire property within the Southwest Redevelopment Project Area. Pursuant to California Community Redevelopment Law and the Redevelopment Plan, the Agency's eminent domain authority is restricted to an initial 12-year time period following the effective date of the ordinance adopting the Redevelopment Plan. The Redevelopment Plan's eminent domain authority is scheduled to expire on November 27, 2002. (Community Development Director)

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and at the time specified in the notice.

PUBLIC HEARINGS (Continued)

James Simon, a consultant for the Rosenow Spevacek Group, Inc, explained the eminent domain process.

Chair/Mayor Horton opened the public hearing.

The following members of the public spoke in opposition to an extension of the eminent domain authority:

Dealía Talmentez, owner of property in the area since the 1950's, stated that the family would like to sell the property but believed that the possibility of eminent domain could bring down the property value.

Armando Ballesteros stated that he purchased his home five years ago as an investment for his family and children.

Roger Cao-Romero stated that he has lived in his home for two years and is currently remodeling it. His parents live in a second home on the property, and he expressed concern about where he could afford to move his family and parents.

Paula Kari Kas stated that residential areas in commercial zones are not safeguarded by eminent domain. She stated that her father-in-law's family, who has lived in the area for over 35 years, is subject to losing their home, and she believed that any fair market value offered would not cover the cost to purchase another home.

Robin Griffith stated that she is currently in the design process for construction of a restaurant on the corner of Broadway and Moss Street. She is investing a lot of money in the project and would be subject to a 30-year lease.

Gary Stovall expressed concern about the proposed commercial development so close to his residence. He stated that he does not reside in a blighted area and has spent at least \$100,000 in home improvements. He is retired and cannot afford to purchase a new home. Mr. Stovall expressed his desire to live in peace, without the threat of eminent domain.

Suzann Ortiz stated that she owns rental property on Palm Avenue and, also, her family residence is in the area. She expressed concern regarding the potential impact of eminent domain on her lifetime of struggle and savings in order to have affordable rentals and investments.

Bill Pack stated that he would like a good quality of life for himself and his wife. His wife is visually impaired but knows her way around their home and garden, and it would be difficult for her to relocate elsewhere.

Monica Mendez spoke on behalf of her father, Francisco Pintado, who has lived in the area for over 40 years. Mr. Pintado is concerned because he and many residents of the area are retired and could not afford to purchase another home in Chula Vista. Ms. Mendez added that the eminent domain would affect many families with a lot of history in the area.

PUBLIC HEARINGS (Continued)

Joe Bunero stated that his residence has been in the family for 44 years. His lot is very large, and there is no way he could afford the price of a comparably sized property. He added that younger people are buying and upgrading homes in the area.

Robert Moore spoke on behalf of the Hardesty family, stating that many properties have been improved since the 1940's, and he believed it would be impossible for families to find similar properties, should they have to relocate.

Jorge de Legone stated that his property on Broadway is within the commercial zone. He explained that he purchased the property as an investment for his retirement

A member of the public (name not obtained), who is a real estate agent, spoke on behalf of Dr. Troy, stating that Dr. Troy cannot find a buyer for his property since it is within the redevelopment zone, and, as a result, she believed that Dr. Troy's retirement was being jeopardized.

Geraldo Travers stated that eminent domain would only benefit businesses and not the residents. He added that there are no affordable homes available for relocation, and he asked the Council to take the voice of the people into consideration.

A member of the public (name not obtained) stated that it is stressful to have eminent domain hanging over his head. Many residents have been living in the area since the 1960's, and the houses have large lots, which would be hard to find elsewhere. He believed that many of his neighbors were not aware of the eminent domain notification by the City, and he suggested that a public meeting be conducted with the affected residents to obtain input or identify other issues.

A member of the public (name not obtained) said he could not afford to move elsewhere.

ACTION: Chair/Mayor Horton asked staff to meet with the community prior to the September 10th public hearing. She then moved to continue the hearing to September 10, 2002. Agency/Councilmember Davis seconded the motion, and it carried 5-0.

Agency/Councilmember Salas suggested that some of the people affected by prior eminent domain action, such as for the new police facility, be asked to share their experiences with those in the Southwest Redevelopment Project Area.

Agency/Councilmember Rindone suggested that staff explain the benefits of eminent domain, and how rarely it is applied, at the forthcoming community meeting.

OTHER BUSINESS

4. DIRECTOR'S REPORTS

There were none.

OTHER BUSINESS (Continued)

5. CHAIR/MAYOR REPORTS

There were none.

6. AGENCY/COUNCIL COMMENTS

There were none.

CLOSED SESSION

7. CONFERENCE WITH LEGAL COUNSEL REGARDING ANTICIPATED LITIGATION – Pursuant to Government Code Section 54956.9(b)

One Case

This item was not discussed, and no action was taken.

ADJOURNMENT

At 6:45 p.m., Chair/Mayor Horton adjourned the meeting to the Regular Meeting of the Redevelopment Agency on August 20, 2002, at 6:00 p.m., immediately following the City Council meeting.

Susan Bigelow, CMC, City Clerk